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UNITED STATES PATENT and TRADEMARK OFFICE



10/018691

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In re Application of	:	DECISION ON RENEWED
Long et al	:	
Application No.: 10/018,691	:	
PCT No.: PCT/US99/15135	:	
Int. Filing Date: 02 July 1999	:	
Priority Date: 02 July 1998	:	PETITION UNDER
Attorney's Docket No.: 047714-5002-US	:	
For: TAXOL PRODUCTION VIA GENERATION	:	
OF EXTRACHROMOSOMAL DNAs IN THE	:	
FUNGUS PESTALOTIOPSIS	:	37 CFR 1.137(b)

This decision is in response to applicants' "SECOND RENEWED PETITION UNDER 37 CFR 1.137(b)," filed on 01 June 2004.

BACKGROUND

In a decision from this Office on 25 May 2004, the petition filed on 13 January 2004 was dismissed because "Sequence Listing" was not with the reply.

On 01 June 2004, petitioners filed a paper and another computer diskette containing the Sequence Listing.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting a proper computer diskette containing the Sequence Listing, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2) and (c)(4) date of this application is **13 January 2004**.



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